

COMMERCIAL RELATIONS

*Exchange of notes and protocol of agreement on publication signed at
Washington June 4, 1891*

Proclaimed by the President of the United States August 1, 1891

Entered into force September 1, 1891

Terminated October 27, 1894¹

Treaty Series 75 and 74

EXCHANGE OF NOTES

The Dominican Minister to the Special Plenipotentiary for the United States

[TRANSLATION]

LEGATION OF THE DOMINICAN REPUBLIC

WASHINGTON, June 4, 1891

MR. MINISTER: The Government of the Dominican Republic having been officially informed of the action of the Congress of the United States of America in the enactment of the tariff law of October 1, 1890,² authorizing the admission through the custom-houses of said United States, free of all duty, of the articles enumerated in section 3 of said law, with a view to secure reciprocal trade with countries producing the articles named, I am pleased to be able to state to you that the Dominican Government, likewise animated by the desire to maintain the relations of sincere friendship which happily exist between the Dominican Republic and the United States of America, and especially recognizing that the close proximity of the two countries suggests the good policy of establishing the reciprocal commerce upon such a basis as shall encourage the development of trade and strengthen friendly feeling between their respective peoples, has resolved to respond in the most liberal manner within its power to the legislation above referred to of the Congress of the United States.

I have, therefore, the honor to inform you that the Government of the Dominican Republic, in reciprocity for, and in consideration of, the free admission into all the ports of the United States exempt from the payment of duties, whether national, State, or municipal, of the products of the Domini-

¹ Pursuant to exchange of notes at Washington Oct. 26 and 27, 1894.

² 26 Stat. 567.

can Republic enumerated in section 3 of said law, is prepared, by virtue of the legislative resolution of the National Congress of March 23 last, to decree the admission into all the established ports of entry of the Dominican Republic, on and after the 1st day of September, 1891, free of all customs duty and any other national or port charges, of the articles or merchandise named in the following Schedule A, provided that the said articles or merchandise are exported directly from, and are the product or manufacture of, the United States of America:

SCHEDULE A

Articles to be admitted free of duty into the Dominican Republic:

1. Animals, live.
2. Meats of all kinds, salted or in brine, but not smoked.
3. Corn or maize, corn meal and starch.
4. Oats, barley, rye and buckwheat, and flour of these cereals.
5. Hay, bran and straw for forage.
6. Trees, plants, vines and seeds and grains of all kinds for propagation.
7. Cotton seed oil and meal cake of same.
8. Tallow in cake or melted, and oil for machinery, subject to examination and proof respecting the use of said oil.
9. Resin, tar, pitch and turpentine.
10. Manures, natural and artificial.
11. Coal, mineral.
12. Mineral waters, natural and artificial.
13. Ice.
14. Machines, including steam-engines and those of all other kinds, and parts of the same, implements and tools for agricultural, mining, manufacturing, industrial and scientific purposes, including carts, wagons, handcars and wheelbarrows, and parts of the same.
15. Material for the construction and equipment of railways.
16. Iron, cast and wrought, and steel, in pigs, bars, rods, plates, beams, rafters and other similar articles for the construction of buildings, and in wire, nails, screws and pipes.
17. Zinc, galvanized and corrugated iron, tin and lead in sheets, asbestos, tar paper, tiles, slate and other material for roofing.
18. Copper in bars, plates, nails and screws.
19. Copper and lead pipe.
20. Bricks, fire bricks, cement, lime, artificial stone, paving tiles, marble and other stones in rough, dressed or polished, and other earthy materials used in building.
21. Windmills.
22. Wire, plain or barbed, for fences, with hooks, staples, nails, and similar articles used in the construction of fences.

23. Telegraph wire and telegraphic, telephonic and electrical apparatus of all kinds for communication and illumination.

24. Wood and lumber of all kinds for building, in logs or pieces, beams, rafters, planks, boards, shingles, flooring, joists, wooden houses, mounted or unmounted, and accessory parts of buildings.

25. Cooperage of all kinds, including staves, headings and hoops, barrels and boxes, mounted or unmounted.

26. Materials for shipbuilding.

27. Boats and lighters.

28. School furniture, blackboards, and other articles exclusively for the use of schools.

29. Books, bound or unbound, pamphlets, newspapers and printed matter, and paper for printing newspapers.

30. Printers' inks of all colors, type, leads and all accessories for printing.

31. Sacks, empty, for packing sugar.

32. Gold and silver coin and bullion.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

The Government of the Dominican Republic is, further, prepared to decree the admission into all the established ports of entry of the said Republic, at a reduction of 25 per cent. of the duty designated in the customs tariff now in force or which may hereafter be adopted in said Republic (which reduction shall likewise apply to all duties which are imposed on these articles by authority of the National Government), of the articles or merchandise named in the following Schedule B, provided that said articles or merchandise are exported directly from, and are the product or manufacture of, the United States of America:

SCHEDULE B

Articles to be admitted into the Dominican Republic at a reduction of duty of 25 percent.:

33. Meats not included in Schedule A and meat products of all kinds, except lard.

34. Butter, cheese, and condensed or canned milk.

35. Fish and shellfish, salted, dried, smoked, pickled or preserved in cans.

36. Fruits and vegetables, fresh, canned, dried, pickled or preserved.

37. Manufactures of iron and steel, single or mixed, not included in Schedule A.

38. Cotton, manufactured, spun or twisted, and in fabrics of all kinds, woven or knit, and the same fabrics mixed with other vegetable or animal fibers in which cotton is the equal or greater component part.

39. Boots and shoes in whole or in part of leather or skins.
40. Paper for writing, in envelopes, ruled or blank books, wall paper, paper for wrapping and packing, for cigarettes, in cardboard, boxes and bags, sandpaper and pasteboard.
41. Tin plate and tinware for arts, industries and domestic uses.
42. Cordage, rope and twine of all kinds.
43. Manufactures of wood of all kinds not embraced in Schedule A, including wooden ware, implements for household use, and furniture in whole or in part of wood.

The Government of the Dominican Republic gives the assurance that no increase whatever shall be made in the export duties of any character now in force on the articles enumerated in section 3 of the said tariff law of the United States, nor upon any article, the product of said Republic, now on the free list of the tariff of said United States, so long as such article continues to be admitted free of duty; and, further, that if the Dominican Republic makes any reduction in the export duty on any of its products, such reduction shall immediately apply to said products when exported to the United States.

The Government of the Dominican Republic also gives the assurance that no greater municipal taxes than those now in force, nor than those levied upon national products, shall be imposed upon articles imported from the United States.

The Government of the Dominican Republic reserves the right to adopt the necessary laws and regulations to protect its revenue and prevent fraud in the declarations and proof that the articles enumerated in the foregoing schedules are exported directly from, and are the product or manufacture of, the United States; but the laws and regulations to be adopted shall place no undue restrictions upon the importer, nor occasion any additional charges or fees therefor upon the articles imported.

For the better application of the foregoing schedules by the custom-houses of the Dominican Republic, it would be mutually convenient that a repertory^a or classification of articles or merchandise should be compiled before the present commercial arrangement goes into operation, under the joint supervision of the Legation of the Dominican Republic and the Department of State in Washington.

I have confidence that the President of the United States will duly regard the present proof that the Government of the Dominican Republic has met the legislation of the Congress of the United States in a spirit of friendly accord and wise reciprocity; and, in that event, I shall hold myself ready to agree with you upon a time when the decree of the Dominican Republic and the proclamation of the President of the United States may be simultaneously and officially published in both countries, with the understanding

^a A repertory of schedules A and B was signed at Washington Aug. 11, 1891.

that the commercial arrangement, when it shall have been thus promulgated, shall remain in force so long as it shall not be modified by the legislative action of either Government or by mutual agreement of the Executive Power of the two countries.

Be so kind as to accept, Mr. Minister, the assurances of my most distinguished consideration.

MANUEL DE J. GALVAN

Honorable JOHN W. FOSTER,
*Special Minister Plenipotentiary of the
United States of America, Washington.*

The Special Plenipotentiary for the United States to the Dominican Minister

DEPARTMENT OF STATE
WASHINGTON, June 4, 1891

SIR: I have great pleasure in acknowledging the receipt of your note of this date, in which you inform me that the Government of the Dominican Republic, in due reciprocity for, and in consideration of, the admission into the ports of the United States free of all duty, whether national, State, or municipal, of the products of said Republic enumerated in section 3 of the tariff law of the Congress of the United States of October 1, 1890, is prepared by legal enactment to authorize the free or privileged admission, on and after the 1st day of September, 1891, of the articles directly imported from, and the product or manufacture of, the United States of America named in your note; that your Government gives the assurance that no increase shall be made in the export tax on the articles admitted free into the United States; that all future reduction in the export tax shall immediately apply to such articles when sent to the United States; that no greater municipal taxes than those now in force, nor than those which national products pay, shall be imposed on articles imported from said States; and that the laws and regulations adopted by the Dominican Republic to prevent fraud shall not impose any additional charges or fees therefor on the articles named in your note imported from the United States.

I am directed by the President to state to you that he accepts this action of the Government of the Dominican Republic, in granting exemption of duties to the products and manufactures of the United States, as a due reciprocity for the action of the Congress of the United States, as contained in section 3 of the tariff law above cited.

I am also pleased to reciprocate the assurances contained in your note, and to state that no export tax, whether national, State, or municipal, can or will be imposed in the United States upon the products or manufactures enumerated in schedules A and B of your note of this date sent to San Domingo.

It may be further understood that, while the Government of the United States reserves the right to adopt the laws and regulations necessary to protect its revenue and prevent fraud in the declarations and proof that the articles enumerated in section 3 of the law cited are the product or manufacture of San Domingo, the laws and regulations to be adopted shall place no undue restrictions upon the importer, nor impose any additional charges or fees upon the articles imported.

It is also understood that, for the better application of said schedules in the custom-houses of San Domingo, a repertory shall be compiled before the present commercial arrangement goes into operation, under the joint supervision of the Department of State and the Dominican Legation in Washington.

I have, therefore, to request that you will meet me at the Department of State at your early convenience, to agree upon the time and manner of making public announcement of this commercial arrangement, which, it is understood, shall remain in force so long as it shall not be modified by the legislation of either Government or by the mutual agreement of the Executive Power of the two countries.

I improve the occasion, Mr. Minister, to convey to you the assurances of my high consideration and esteem.

JOHN W. FOSTER,
Special Plenipotentiary for the United States

The Honorable MANUEL DE J. GALVAN,
*Envoy Extraordinary and Minister Plenipotentiary
of the Dominican Republic.*

The Dominican Minister to the Special Plenipotentiary for the United States

[TRANSLATION]

LEGATION OF THE DOMINICAN REPUBLIC
WASHINGTON, June 4, 1891

MR. MINISTER: In confirmation of the assurances, given in advance, during the course of the negotiations which resulted in the commercial arrangement concluded this day, I now have the honor to inform you that, in consideration of the aforesaid arrangement, and as one of the conditions thereof, the Government of the Dominican Republic pledges itself to endeavor, during the next legislative session, to secure the repeal of the law of June 26, which was promulgated July 4, 1887, declaring the importation into the Republic of the articles mentioned in the said law to be free or subject to a reduced duty; and that the Executive will take the initiative, as he is privileged to do by the constitution, to the end that the effects of the aforesaid law cease on the 31st day of March, 1892, or sooner if possible, so far as they relate to the said

articles, and to the end that the articles in question be subjected to the tax required by the tariff and to the payment of import duties on and after the day aforesaid; it being, however, understood and stipulated that all the articles enumerated in schedules A and B, referred to in my note of this date, that shall have been produced in, and imported directly from, the United States shall be exempt from the payment of such duties, as provided in the aforementioned commercial arrangement.

It is further understood that, if the above-mentioned law of July 4, 1887, shall not be repealed, as above stipulated, before the 31st day of March, 1892, the United States Government shall have the right to declare the aforesaid commercial arrangement annulled at any time subsequent to the date designated, if it shall think proper so to do.

I reiterate to you, Mr. Minister, the assurances of the consideration and respect with which I am your most obedient and faithful servant,

MANUEL DE J. GALVAN

Honorable JOHN W. FOSTER,
Special Minister Plenipotentiary
of the United States of America,
Washington, D.C.

DECREE OF THE NATIONAL CONGRESS OF JULY 4, 1887

[TRANSLATION]

ARTICLE 1. From the date of this decree until the 31st of December, 1890, and from the latter date until the enactment of another decree repealing the present, the following-named articles shall be exempted in this Republic from all fiscal duty, to wit:

All kinds of machinery to be used in the sugar and other estates and in the agricultural and industrial establishments, and the pieces accessory or sent extra to replace those worn out or damaged; crude tallow and oil, when, upon careful investigation at the custom-house, it is ascertained that it is to be used exclusively for the said machinery; phosphatic and ammoniacal guanos, zinc, galvanized and corrugated iron, hand and steam water pumps, windmills; hogshead staves, heads, and shooks; box shooks and bags for sugar; rails and spikes, railroad cars, axles and boxes for carts and wagons, barbed wire for fences, coal; plows, hoes, axes, spades, hand rakes, short machetes for agricultural purposes, and, generally, all instruments exclusively applicable to the cultivation of the soil or the clearing of forests.

The exemption provided for in this article for such pieces as are considered accessory to engines or machinery does not apply to screws, screw nuts, nails, bars or sheets of iron or of other metals which can be used for other purposes.

ART. 2. The following-named articles, by whomsoever imported, shall be subject only to the payment of 10 per cent. ad valorem, to wit: Boards, planks, and scantlings of pine, pitch pine, or any other lumber; shingles, roofing tiles, roofing slates, tarred roofing paper, and all other kinds of roofing; bricks, flagstones of the Canary Islands; iron, steel, and copper in bars or sheets; nails and screws of iron or copper, whether galvanized or not; Portland Roman cement, manilla rope; iron, copper, or lead pipes; lighters, whether large or small; iron tanks; wheelbarrows, picks, mattocks, and shovels of all shapes; and ox carts and wagons and the wheels therefor.

ART. 5. Panama hats and revolvers and cartridges shall only pay 10 per cent., to be assessed, in the case of hats, upon the tariff valuation, and in the case of revolvers and cartridges upon appraisement; and the duty thus collected shall be used for the same purposes as were set forth in the preceding article. Pianos, organs, and all other musical instruments, safes, and all pieces of furniture or articles imported free from duty, unless mentioned in article 1 of this decree, shall be subject to the provisions of the present article.

ABROGATION OF DECREE OF JULY 4, 1887

[TRANSLATION]

Ulises Heureaux, General of Division, Commander in Chief of the National Army, Pacifier of the Country, and Constitutional President of the Republic.

Whereas the decree of the National Congress relating to the free entry of agricultural supplies, dated the 4th of July, 1887, was fixed to remain in force until the 31st of December, 1890, and after that date until other dispositions should be substituted for or abrogate it.

Whereas the commercial arrangement recently concluded between the Government of the Dominican Republic and that the United States of America allows to agricultural industries, for whose benefit the decree of free entry was made, to enjoy equally the advantages of its protectionist character.

Having heard the views of the members of the cabinet,

Resolved, The decree relating to the free entry of agricultural implements of the 4th of July, 1887, is hereby abrogated.

Given in the National Palace in Santo Domingo, capital of the Republic, the 5th of August, 1891, the forty-eighth year of the independence and the twenty-eighth of the restoration.

U. HEUREAUX,
President of the Republic.

Countersigned:

A. W. Y GIL,
Minister of Fomento and of Public Works

SANCHEZ,
Minister of Finance and of Commerce

DECREE AS TO NEW DUTIES

[TRANSLATION]

Ulises Heureaux, General of Division, Commander in Chief of the National Army, Pacifier of the Country, and Constitutional President of the Republic.

The law relating to the free entry of agricultural implements, which was to cease to be in force on the 30th of December, 1890, having been abrogated by a previous resolution,

Considering that the commerce of revolvers, cartridges for the same, Panama hats, and musical instruments, including pianos and harmoniums, had been favored by said law by a duty of only 10 per cent. on the invoice value;

Considering that it is necessary to again regulate the commerce of said articles, among which are some prohibited by the law above mentioned,

Resolved, (1) From and after the date of the publication of the present resolution the custom-houses throughout the territory of the Republic shall collect duties of importation upon the following articles:

- (1) Revolvers, each, fixed duty, \$2.
- (2) Caps for revolvers, per 100, fixed duty, \$2.

(3) Pianos, large and small, harmoniums, organs, and every kind of musical instruments for bands or orchestras, 10 per cent. upon the invoice value. Accordions are excepted from this remission, which shall pay the 60 per cent. ad valorem levied upon other merchandise.

(4) Panama hats in the proportion established by the tariff in force.

Given at Santo Domingo, in the National Palace of the Government, capital of the Dominican Republic, on the 5th of August, 1891, the forty-eighth year of the independence and the twenty-eighth of the restoration.

U. HEUREAUX

SANCHEZ,

Minister of Finance and Commerce.

PROTOCOL

Protocol of an agreement made between John W. Foster, Special Plenipotentiary of the United States, and Señor Don Manuel de J. Galvan, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic, at the Department of State in Washington, June 4, 1891.

In the act of exchanging the notes of this date which constitute the commercial arrangement between the United States of America and the Dominican Republic, it is agreed by and between the Undersigned that the Proclamation of the President of the United States and the Decree of the President of the Dominican Republic, to carry this arrangement into execution, shall be simultaneously published in the two Republics on the 1st day of August, 1891.

In testimony whereof, we have interchangeably signed this Protocol this 4th day of June, 1891.

JOHN W. FOSTER
MANUEL DE J. GALVAN